

MINUTES

South Carolina Funeral Board

10:00 a.m., August 16, 2001

Synergy Business Park

(formerly the Koger Business Park)

110 Centerview Drive, Kingstree Building, Room 108

Columbia, South Carolina

Mr. Larry Hendrix, President, of Walhalla, called the regular meeting of the S. C. Funeral Board to order at 10:00 a.m., with a quorum present. Other members attending the meeting included: Mr. Mike Thornwell, Vice-President, of Ft. Mill; Mr. Ward Avinger, Secretary, of Holly Hill; Mr. Sam Halls, of Mt. Pleasant; Mr. Charles Green, of Charleston; Mr. Jim Adcock, of Orangeburg; Mr. John Eggers, of Boiling Springs; Mr. Robert Parks, of Charleston; Mr. Clarence Hampton, of Seneca; and Mr. Roger Finch, of Greenville.

Staff members participating during the meeting included: Mr. Dwight Hayes, Interim Administrator; Mr. Rick Wilson, LLR-Office of General Counsel; Ms. Susan Duncan, LLR-Legislative Liaison Office; Mr. Larry Hall, Investigator; Mr. Charles Jones, Investigator; Mr. Bill Whitby, Investigator; Ms. Jackie Meggie, Administrative Assistant; and Ms. Sandra Dickert, Administrative Assistant.

Members of the audience included: Greg Jones, Larry Strom, Larry C. Varner, Sr., Collen Gillen, C. W. Dawkins, Roosevelt Gist, Isaac N. Wright, Jr., Horace G. Cheatham, Jr., Oscar T. Moore, Angela P. Cheatham, Garkin B. Pattern, Michael Glenn, Adrienne Huffman, Gere Fulton and William McCutcheon.

Mr. Hendrix announced the meeting was being held in accordance with the Freedom of Information Act by notice mailed to The State Newspaper, Associated Press, WIS-TV and all other requesting persons, organizations, or news media. In addition, notice was posted on the bulletin boards at the two main entrances of the Kingstree Building.

Invocation

Mr. Green delivered the invocation.

Pledge of Alligence

All present recited the Pledge of Alligence.

Introduction of Members and the Public

The board members, staff members and members of the public introduced themselves.

Approval of Minutes for the June 7, 2001 Meeting

Mr. Avinger noted one change to the agenda - Charles Green was listed as Walter Green.

Mr. Parks moved the board approve the minutes as amended. Mr. Halls seconded the motion, which passed unanimously.

President's Remarks

Mr. Hendrix held his remarks until later in the meeting.

Interim Administrator's Remarks

Legislative Update, Internet Research, Susan Duncan, Legislative Liaison Office

Ms. Susan Duncan briefed the board on researching the internet for proposed legislation and the activities of the General Assembly. She also briefed the board on the agency's licensee look up page.

Jay Pitts – Education Initiative

Mr. Jay Pitts, Administrator, Board of Engineers and Land Surveyors, discussed the agency's education initiative and the four areas involved in the project.

Advisory Opinions, If Needed, Office of General Counsel

There were no opinions given during the August 16, 2001 meeting of the S. C. Board of Funeral Service.

Information Items

Report of Renewals

Mr. Hayes stated that as of today twenty-six funeral homes have not renewed and are now expired. Staff has renewed 782 dual licenses, 11 embalmers, and 511 funeral directors. He noted that 20 funeral directors, forty-three dual licensees, and five embalmers have not renewed. He indicated staff is presently resolving problems with a few of the renewals. He indicated that once those problems have been cleared up he would like to send letters, along with cease and desist orders, informing the licensees who have not renewed that they are not authorized to practice funeral service until such time as they bring their license current.

List of New Licenses Issued

Mr. Hayes presented the members, for their information, with a list of new licenses issued. He noted four new funeral home permits have been issued since the last meeting. He also noted that eleven licenses have been issued to new funeral directors and dual licensees.

Current Continuing Education Listing

Mr. Hayes presented the members with a list of current approved continuing education for their information.

Mr. Thornwell stated the continuing education committee met approximately two weeks ago. He further stated the committee would like to work with staff as much as possible to alleviate any problems with notifying the licensees of continuing education classes.

Mr. Hayes stated there were quite a number of licensees who waited until June to ask for copies of the videotape for continuing education. He asked the board to consider adopting a policy regarding a cut-off date of ordering videos prior to renewal period. He noted that if the board adopted such a policy it would be published in the board's newsletter.

Mr. Parks moved the board authorize Mr. Hayes to mail a cover letter, along with cease and desist orders and consent orders to those individuals who have not renewed. Mr. Thornwell seconded the motion. A brief discussion on sending second notices and cease and desist orders ensued. The motion passed unanimously.

Mr. Parks moved the board no longer mail the continuing education tapes after April 30th of each licensing year. The motion was seconded by Mr. Hampton and unanimously passed. Following some discussion in this matter, Mr. Parks asked that the discussion be tabled until a later meeting. It was recommended during the discussion that the board target an area using a power point presentation with a board member present to act as a facilitator. It was also suggested that the videotape be gradually phased out.

Report of Approved Routine Change of Managers

Mr. Hayes presented the members, for their information, with a report of approved routine change of managers. He noted that this report includes new facilities that have been licensed since the last meeting.

Action Items

Old Business

Colonial Casket Company

Mr. Hayes stated staff received a letter dated July 11, 2001 from Colonial Casket indicating the company has ceased retail operations at that location. He noted staff has also received notice from Ms. Bartley indicating she would no longer be manager of the Colonial Casket Company.

Mr. Parks expressed personal disappointment with the verbiage in Mr. Poston's letter. He strongly feels that the board was being fair in this matter while at the same time upholding what the statute requires.

New Business

Request for Approval of new Facility

Michael A. Glenn Funeral Home

Mr. Avinger moved the board grant a permit for the Michael A. Glenn Funeral Home, pending a favorable SLED report and a favorable inspection of the facility. Mr. Thornwell seconded the motion, which passed unanimously.

2. Request for Approval of Additional Facility Location

Jones Metropolitan Funeral Chapel, Funeral Director – Roosevelt Gist, #711

Mr. Avinger moved the board approve the additional facility, pending a favorable inspection of the facility. The motion was seconded by Mr. Adcock and unanimously carried.

3. Request for Reinstatement

Funeral Director – Randy Small, #1815

Mr. Small was not present for the meeting. Mr. Thornwell stated questions #7, #8 and #17 are not answered. He went on to say it appears Mr. Small paid an apprentice fee.

Mr. Avinger moved the board table this application until such time Mr. Small appears before the board. Mr. Parks seconded the motion, which passed unanimously.

b. Funeral Director – Larry Cole Varner, Sr., #1929

Mr. Hayes stated Mr. Varner has asked for waiver of past fees due to financial hardship. Mr. Varner stated his wife was recently diagnosed with MS and he had given up his job to take care of her. He indicated he was last licensed approximately three years ago.

Mr. Avinger moved the board discuss this matter in executive session. The motion was seconded by Mr. Thornwell seconded and unanimously carried.

Whitney Funeral Home

Mr. Hayes stated staff has an addition to the agenda which came up at the last minute. He indicated it is an issue staff has been dealing with for awhile. He noted Mr. William McCutcheon is appearing on behalf of Whitney Funeral Home. He believes the board has previously discussed the possibility of Mr. McCutcheon becoming the manager of Whitney Funeral Home after the passing of the owner of the facility. He further stated the issue at hand is the mileage from his house to the facility. He also said the facility is under a cease and desist order as a result of no manager for the facility. He continued by saying if the board approves Mr. McCutcheon as manager the facility may reopen and renew the license. He stated he has received a letter from the personal representative of Ms. Whitney's estate authorizing Mr. McCutcheon to be the manager of the facility.

Mr. McCutcheon stated it is thirty-two miles from his home to the facility. He indicated it takes him approximately thirty-three minutes to get to the facility. He further stated the facility handles approximately 60 funerals a year. He also stated there is no one else in the Whitney family who is licensed as a funeral director.

Mr. Avinger moved the board discuss this matter in executive session. Mr. Adcock seconded the motion, which carried unanimously.

4. Request for Approval of Preneed Policies

a. American Memorial Life Insurance Company / P-1001-S-SC, PDR-1120-SC,

AML-T01- SC

Mr. Adcock moved the board approve the preneed policies from American Memorial Life Insurance Company. The motion was seconded by Mr. Thornwell and unanimously carried.

Wright's Funeral Home – Isaac Wright

Mr. Hayes stated Mr. Isaac Wright had submitted an application to staff, however, he had been missing some information that staff received yesterday. He asked the board if they would like to consider the matter at this meeting.

Recess

The board recessed for ten minutes at 11:20 a.m.

Return to Public Session

Discussion Items

Dr. Gere Fulton (Study of Funeral Pricing in Greater Columbia)

Mr. Gere Fulton, of USC School of Medicine, briefed the board regarding a survey conducted the S. C. Consumer Alliance regarding funeral pricing in the Columbia area.

Grief & Loss Center of SC (Handling the Holidays) – Continuing Education Class

Mr. Thornwell stated the board has been receiving several requests for continuing education classes similar to this one. He further stated there is a thin line the committee doesn't want to cross because the committee doesn't feel this type of class should be conducted as continuing education.

Mr. Parks stated guidelines should be set regarding the types of classes that should be conducted. He further stated there are valid seminars, however, there are also seminars that are in other arenas where the professional training of the funeral directors and embalmers doesn't do a great deal of good. Following a brief discussion regarding drawing up guidelines, Mr. Thornwell moved the continuing education committee set additional guidelines regarding continuing education classes. Mr. Adcock seconded the motion, which passed unanimously.

The Conference Report, April 7-9, 2001

The Conference Report from The International Conference of Funeral Service Examining Boards, Inc. was presented for the members' information.

Public Comments

No public comments were made during the August 16, 2001 meeting.

Executive Session

Mr. Avinger moved the enter executive session to seek legal advice. The motion was seconded by Mr. Thornwell and unanimously carried.

Return to Public Session to Report on Executive Session

Mr. Hendrix noted for the record that no motions were made and no votes were made during the time the board was in executive session.

Election of Officers

Mr. Avinger moved the board postpone the election of officers until the October 4, 2001 meeting. Mr. Adcock seconded the motion. Mr. Finch stated he was not on the board for the last election and would like to see the elections take place at this meeting. The motion passed with majority vote. Mr. Finch voted against the motion,

Larry Cole Varner, Sr.

Mr. Parks informed Mr. Varner that according to staff's records he was last licensed in 1995. He also stated that the board does not have the authority to waive the license fees. He moved the board offer Mr. Varner an agreement that after three hours of continuing education and after meeting other licensing requirements he be issued a probationary license for twelve months ending June 30, 2002, and that he must satisfactorily complete twelve hours of continuing education prior to June 30, 2002. Mr. Halls seconded the motion, which passed unanimously.

Mr. Wilson informed Mr. Varner he would prepare an agreement on behalf of the board in this matter.

Whitney Funeral Home

Mr. Avinger moved the board grant Mr. McCutcheon a license as temporary manager under the agreement that he move closer to the facility or the facility find another licensed funeral director who is located within the twenty-five mile radius of the facility. Mr. Halls seconded the motion. After a brief discussion Mr. Avinger amended the motion to state Mr. McCutcheon will be issued a temporary license until the October 4, 2001 meeting. Mr. Halls seconded the amended motion, and it passed unanimously.

Wright Funeral Home

Mr. Green moved the board table this matter until the October 4, 2001 meeting. The motion was seconded by Mr. Halls and unanimously carried.

IRC Reports

Mr. Thornwell moved the board accept the IRC Reports as presented. Mr. Parks seconded the motion, which passed unanimously.

President's Remarks

Mr. Hendrix stated it has been a pleasure serving with each one of the members. He indicated serving on the board has been a learning experience.

Mr. Hendrix recognized Ms. Pyatt and presented her with plaque from the

board.

Adjournment

There being no further business to be brought before the board at this time, Mr. Halls made a motion that the meeting be adjourned. Mr. Green seconded the motion, which carried unanimously. The August 16, 2001 meeting of the S. C. Board of Funeral Service adjourned at 1:35 p.m.